

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

IN RE:	§	CASE NO. 09-70737-M-13
	§	
REMIGIO JR. AND FRANCISCA VILLARREAL	§	
DEBTOR(S)	§	CHAPTER 13

**DEBTORS' MOTION TO MODIFY CONFIRMED PLAN AND NOTICE
OF HEARING AND TIME TO OBJECT**

RULE 9013 NOTICE

THIS MOTION SEEKS AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THE MOTION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY. YOU MUST FILE AND SERVE YOUR RESPONSE WITHIN 21 DAYS OF THE DATE THIS WAS SERVED ON YOU. YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU. IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING, UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING.

REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEYS.

A HEARING ON THIS PROPOSED MODIFICATION IS SET FOR FEBRUARY 17, 2011 AT 9:00 O'CLOCK A.M. AT COURTROOM, UNITED STATES BANKRUPTCY COURT, U.S. FEDERAL COURTHOUSE, TEXAS COMMERCE BANK, BENTSEN TOWER, 1701 W. BUSINESS HIGHWAY 83, MCALLEN, TX 78501

THE DEBTORS move to Modify their confirmed plan as follows:

1. **HISTORY OF CASE:** This case was filed on October 14, 2009 and the plan was confirmed on December 12, 2009. The plan has been previously modified on the following dates: N/A.
2. **REASONS FOR MODIFICATION:** Debtors are modifying their confirmed plan to bring their plan payments current and to extend the \$300 monthly plan payment 12 more months. Debtor has not been able to find employment, but anticipates that within a year he will be employed, enabling them to make the higher plan payments. Additionally, Debtor has a pending wrongful termination lawsuit and expects to settle soon, and upon filing of motion and court approval, Debtor will use funds for cost of living and monthly plan payments. In the interim, Debtors' family has agreed to help them financially as shown on Amended Schedule I.
3. **PROPOSED PLAN MODIFICATION:**
 - a. All payment defaults are cured by this modification.
 - b. Future plan payments to the Trustee shall be as follows:

(1) Months: 1-24	Payment \$300.00	November 2009-October 2011
(2) Months: 25-60	Payment \$790.00	November 2011-until the 60th month
 - c. The following claims will be Barred Pursuant to Rule 3002(c): B & W (acct #5549), TSYS Debt Management (acct #3931), Creditors Service Bureau (acct #4804), (acct #3896), and (acct #6631).

4. **INTERIM PAYMENTS:** Payments due under this modification will commence on the first due date after this modification is filed, whether or not the modification has yet been approved by the court.

5. **BUDGET:** Copies of Debtor(s)' most recent pay stubs and tax returns have been provided to the Trustee and:

☐ There has been no change in the Debtor(s)' schedules I and J since the last plan was confirmed or modified; OR

☒ Amended schedules I and J are attached as exhibit "A".

6. **ATTORNEYS' FEES:** Debtors' counsel shall be paid \$450.00 through the plan as fixed fee for this modification.

7. All provisions of Debtors' confirmed plan not modified herein shall remain in effect

I (We) declare under penalty of perjury that the foregoing represents the terms of the modified plan proposed for confirmation by Debtor(s).

/s/Eduardo V. Rodriguez
Eduardo V. Rodriguez
Attorney for Debtor(s)

/s/Remigio Villarreal, Jr.
Debtor

Dated: January 6, 2011

/s/Francisca Villarreal
Joint Debtor

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the above and foregoing Motion to Modify Confirmed Plan was mailed this January 6, 2011 by regular U.S. Mail and/or served electronically to the parties on the attached service list.

Trustee:
Cindy Boudloche, Chapter 13 Trustee
555 N. Carancahua, Suite 600
Corpus Christi, Texas 78478

U.S. Trustee
606 N. Carancahua, Suite 1107
Corpus Christi, TX 78401

DEBTOR(S):
Remigio and Francisca Villarreal
107 Sing Circle
Pharr, TX 78577

and all creditors as specified on the attached Service List.

/s/Eduardo V. Rodriguez
Eduardo V. Rodriguez

In re **Remigio Villarreal, Jr.**
Francisca Villarreal

Case No. 09-70737-M-13
(if known)

AMENDED-MOD 1/6/2011
SCHEDULE I - CURRENT INCOME OF INDIVIDUAL DEBTOR(S)

The column labeled "Spouse" must be completed in all cases filed by joint debtors and by every married debtor, whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed. Do not state the name of any minor child. The average monthly income calculated on this form may differ from the current monthly income calculated on Form 22A, 22B, or 22C.

Debtor's Marital Status:	Dependents of Debtor and Spouse			
Married	Relationship(s):		Age(s):	
Employment:	Debtor		Spouse	
Occupation	Unemployed		Disabled	
Name of Employer				
How Long Employed				
Address of Employer				

INCOME: (Estimate of average or projected monthly income at time case filed)

1. Monthly gross wages, salary, and commissions (Prorate if not paid monthly)

2. Estimate monthly overtime

3. SUBTOTAL

4. LESS PAYROLL DEDUCTIONS

a. Payroll taxes (includes social security tax if b. is zero)

b. Social Security Tax

c. Medicare

d. Insurance

e. Union dues

f. Retirement

g. Other (Specify)

h. Other (Specify)

i. Other (Specify)

j. Other (Specify)

k. Other (Specify)

5. SUBTOTAL OF PAYROLL DEDUCTIONS

6. TOTAL NET MONTHLY TAKE HOME PAY

7. Regular income from operation of business or profession or farm (Attach detailed stmt)

8. Income from real property

9. Interest and dividends

10. Alimony, maintenance or support payments payable to the debtor for the debtor's use or that of dependents listed above

11. Social security or government assistance (Specify):

/ Supplemental Security SSI

12. Pension or retirement income

13. Other monthly income (Specify):

a. contribution from family

b.

C.

14. SUBTOTAL OF LINES 7 THROUGH 13

15. AVERAGE MONTHLY INCOME (Add amounts shown on lines 6 and 14)

16. COMBINED AVERAGE MONTHLY INCOME: (Combine column totals from line 15)

(Report also on Summary of Schedules and, if applicable,
on Statistical Summary of Certain Liabilities and Related Data)

17. Describe any increase or decrease in income reasonably anticipated to occur within the year following the filing of this document:

Debtor's worker's compensation ceased. Debtors' family is contributing for monthly expenses.

B6J (Official Form 6J) (12/07)

IN RE: **Remigio Villarreal, Jr.**
Francisca VillarrealCase No. **09-70737-M-13**
(if known)**AMENDED-MOD 1/6/2011****SCHEDULE J - CURRENT EXPENDITURES OF INDIVIDUAL DEBTOR(S)**

Complete this schedule by estimating the average or projected monthly expenses of the debtor and the debtor's family at time case filed. Prorate any payments made bi-weekly, quarterly, semi-annually, or annually to show monthly rate. The average monthly expenses calculated on this form may differ from the deductions from income allowed on Form 22A or 22C.

☐ Check this box if a joint petition is filed and debtor's spouse maintains a separate household. Complete a separate schedule of expenditures labeled "Spouse."

1. Rent or home mortgage payment (include lot rented for mobile home) a. Are real estate taxes included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No b. Is property insurance included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	\$657.50
2. Utilities: a. Electricity and heating fuel b. Water and sewer c. Telephone d. Other: Cell	\$170.00 \$100.00 \$22.00 \$45.00
3. Home maintenance (repairs and upkeep) 4. Food 5. Clothing 6. Laundry and dry cleaning 7. Medical and dental expenses 8. Transportation (not including car payments) 9. Recreation, clubs and entertainment, newspapers, magazines, etc. 10. Charitable contributions	\$5.00 \$324.00 \$5.00 \$10.00 \$30.00 \$80.00
11. Insurance (not deducted from wages or included in home mortgage payments) a. Homeowner's or renter's b. Life c. Health d. Auto e. Other:	\$99.00
12. Taxes (not deducted from wages or included in home mortgage payments) Specify:	
13. Installment payments: (In chapter 11, 12, and 13 cases, do not list payments to be included in the plan) a. Auto: b. Other: c. Other: d. Other:	
14. Alimony, maintenance, and support paid to others: cp: Sylvia Martinez bal 1470.0 15. Payments for support of add'l dependents not living at your home: 16. Regular expenses from operation of business, profession, or farm (attach detailed statement) 17.a. Other: 17.b. Other:	\$25.00
18. AVERAGE MONTHLY EXPENSES (Total lines 1-17. Report also on Summary of Schedules and, if applicable, on the Statistical Summary of Certain Liabilities and Related Data.)	\$1,572.50
19. Describe any increase or decrease in expenditures reasonably anticipated to occur within the year following the filing of this document: NO CHANGES TO EXPENSES ARE ANTICIPATED AT THIS TIME.	
20. STATEMENT OF MONTHLY NET INCOME a. Average monthly income from Line 15 of Schedule I b. Average monthly expenses from Line 18 above c. Monthly net income (a. minus b.)	\$1,873.00 \$1,572.50 \$300.50

B6 Declaration (Official Form 6 - Declaration) (12/07)

In re **Remigio Villarreal, Jr.**
Francisca Villarreal

Case No. **09-70737-M-13**
(if known)

AMENDED-MOD 1/6/2011
DECLARATION CONCERNING DEBTOR'S SCHEDULES
DECLARATION UNDER PENALTY OF PERJURY BY INDIVIDUAL DEBTOR

I declare under penalty of perjury that I have read the foregoing summary and schedules, consisting of 4 sheets, and that they are true and correct to the best of my knowledge, information, and belief.

Date 1/6/2011

Signature /s/ Remigio Villarreal, Jr.
Remigio Villarreal, Jr.

Date 1/6/2011

Signature /s/ Francisca Villarreal
Francisca Villarreal

[If joint case, both spouses must sign.]

Debtor(s): **Remigio Villarreal, Jr.**
Francisca Villarreal

Case No: **09-70737-M-13**
Chapter: **13**

SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

American Honda/gemb
Po Box 981439
El Paso, TX 79998

Discover - DFS Services LLC
P.O. Box 3025
New Albany, OH 43054-3025

PRA Receivables Management, LLC
P.O. Box 12914
Norfolk, VA 23541

American InfoSource LP
World Financial Network Natl Bank
P.O. Box 248872
Oklahoma City, OK 73124-8872

HSBC Bank Nevada, N.A.
Bass & Associates, P.C.
3936 E. Ft. Lowell Rd., Suite 200
Tucson, AZ 85712

Sheffield Financial
P.O. Box 1847
Wilson, NC 27894-1847

B&w Finance
514 N Cage Blvd
Pharr, TX 78577
Bad Address

HSBC Bank Nevada, N.A.
PRA Receivables Management, LLC
P.O. Box 12907
Norfolk, VA 23541

The State of Texas
Joseph L. Haley, Assistant Attonrey Gene
Offie of Attorney General
3331 N. McColl Rd.
McAllen, TX 78501

Brenda Narvaez
2912 Crisatema
Mission, TX 78572

LVNV Funding LLC
Resurgent Capital Services
P.O. Box 10587
Greenville, SC 29603-0587

U.S. Bank National Association
GMAC Mortgage, LLC
Attn: Bankruptcy Dept.
1100 Virginia Dr.
Ft. Washington, PA 19034

Capital 1 Bank
Attn: C/O TSYs Debt Management
PO Box 5155
Norcross, GA 30091

Malaise Law Firm
1265 N. Expressway 83
Brownsville, TX 78520

Chrysler Financial Services
P.O. Box 8608
Roanoke, TX 76262

Malaise Law Firm
1265 North Expressway 83
Brownsville, TX 78520

Citifinancial, Inc.
Bankruptcy Dept.
P.O. Box 140489
Irving, TX 75014-0489

Perdue, Brandon, Fielder,
Collins & Mott, L.L.P.
3301 Northland Drive, Ste. 505
Austin, TX 78731

Conns
Attention: Heather McAdams
PO Box 2358
Beaumont, TX 77704

Portfolio Recovery Associates, LLC
P.O Box 41067
Norfolk, VA 23541

Creditors Service Bure
860 W Price Rd
Brownsville, TX 78520

PRA Receivables Management, LLC
P.O. Box 12914
Norfolk, VA 23541

Direct Loan Servicing Center
P.O. Box 5609
Greenville, TX 75403-5609

PRA Receivables Management, LLC
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